

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIA GEORGIANNA PALM,

Defendant.

No. 2:23-cr-00058-RAJ

ORDER

I. INTRODUCTION

THIS MATTER comes before the Court on Defendant Maria Georgianna Palm (“Ms. Palm”)’s Motion *in Limine* to Admit Statements of a Party Opponent. Dkt. # 105. Plaintiff United States of America (“the Government”) filed a Response, to which Ms. Palm replied. Dkt. ## 121, 132.

For the reasons set forth below, the Court **GRANTS** Ms. Palm’s Motion, subject to the limitations described, *infra*.

II. BACKGROUND

On April 19, 2023, a grand jury returned a four-count indictment charging Brandon Denzel Washington (“Mr. Washington”) with various crimes relating to sex trafficking of two women through force, fraud, and coercion. Dkt. # 1. In its memorandum in support of Mr. Washington’s detention, the Government outlined the relationship between Mr. Washington and Ms. Palm, stating that Mr. Washington rented Ms. Palm a luxury

1 apartment in Bellevue and that he featured her in advertisements soliciting commercial sex,
2 which were posted in cities all over the country. Dkt. # 105-2 at 7. Later, in its Response
3 to Mr. Washington's motion to re-open detention, the Government referred to Ms. Palm as
4 "a victim." Dkt. # 105-3 at 5-7.

5 By January 2024, the Government's view of Ms. Palm had shifted from that of a
6 victim to a co-conspirator, a result of new information learned during the course of the
7 investigation, specifically in a report documenting the contents of Mr. Washington's
8 cellphone. *See generally* Dkt. # 105-4. The Government explained that "the evidence is
9 both robust and clear that [Ms. Palm] is or was a prostitute, that Washington was her pimp,
10 and that she was fully involved in his activities." *Id.* at 1-2.

11 Ms. Palm now moves to introduce certain statements, both oral and written, made
12 by Assistant United States Attorney Erin Becker characterizing Ms. Palm as a victim. The
13 instant Motion seeks that the Court admit into evidence (1) one oral and two written
14 Government statements describing Ms. Palm as "a victim," (2) another statement that
15 identifies Ms. Palm as "a woman whom [Mr. Washington] pimped out over a period of
16 five years," and (3) a statement that Ms. Palm was "controlled by" Mr. Washington. Dkt.
17 # 105 at 2-3.

18 III. LEGAL STANDARD

19 "The court must decide any preliminary question about whether . . . evidence is
20 admissible." Fed. R. Evid. 104. Motions *in limine* are procedural mechanisms by which
21 the court can make evidentiary rulings in advance of trial, often to preclude the use of
22 unfairly prejudicial evidence." *United States v. Heller*, 551 F.3d 1108, 1111-12 (9th Cir.
23 2009); *Brodit v. Cambra*, 350 F.3d 985, 1004-05 (9th Cir. 2003). "Although the Federal
24 Rules of Evidence do not explicitly authorize *in limine* rulings, the practice has developed
25 pursuant to the district court's inherent authority to manage the course of trials." *Luce v.*
26 *United States*, 469 U.S. 38, 41 n.4 (1980). Motions *in limine* may be used to exclude or
27 admit evidence in advance of trial. See Fed. R. Evid. 103; *United States v. Williams*, 939

1 F.2d 721, 723 (9th Cir. 1991) (affirming the district court’s ruling *in limine* that the
2 prosecution could admit impeachment evidence under Federal Rule of Evidence 609).

3 Judges have broad discretion when ruling on motions *in limine*. *See Jenkins v.*
4 *Chrysler Motors Corp.*, 316 F.3d 663, 664 (7th Cir. 2002); *Trevino v. Gates*, 99 F.3d 911,
5 922 (9th Cir. 1999) (“[t]he district court has considerable latitude in performing a Rule 403
6 balancing test and we will uphold its decision absent clear abuse of discretion.”). “*In limine*
7 rulings are not binding on the trial judge [who] may always change his mind during the
8 course of a trial.” *Ohler v. United States*, 528 U.S. 753, 758 n.3 (2000); *accord Luce*, 468
9 U.S. at 41) (noting that *in limine* rulings are always subject to change, especially if the
10 evidence unfolds in an unanticipated manner).

11 IV. DISCUSSION

12 A. Hearsay Exception

13 The Court first considers whether the Government’s statements constitute
14 admissions of a party opponent and thus are an exception to the rule prohibiting hearsay
15 testimony. Pursuant to Federal Rule of Evidence 801, a statement offered against an
16 opposing party is not hearsay if the statement: (i) was made by the party in an individual
17 capacity; (ii) is one the party manifested that it adopted or believed to be true; and (iii) was
18 made by the party’s agent or employee on a matter within the scope of that relationship
19 and while it existed. Fed. R. Evid. 801(d)(2)(B, D).

20 The Government does not appear to contest that the statements are admissions by a
21 party opponent. The Court finds the statements subject to this hearsay exception, but
22 disagree with Ms. Palm that this is a “clear” issue, especially considering the lack of Ninth
23 Circuit law on the matter. *See* Dkt. # 105 at 4. The Court defers to a ruling in this District
24 elucidating the following:

25 The Ninth Circuit has not decided whether statements by federal
26 Government attorneys qualify as admissions by party opponents
27 under Rule 801(d)(2). However, many sister circuits have recognized
28 that, under the rules for admissions by party opponents, a defendant

1 may offer statements that Government attorneys make . . . [w]e can
2 find no authority to the contrary or reason to think otherwise.

3 *United States v. Garg*, No. 2:21-cr-00045-JCC, 2023 WL 8281668, at *2, 3 n.3 (W.D.
4 Wash. Nov. 30, 2023). Indeed, the First Circuit has held that “the Federal Rules clearly
5 contemplate that the federal government is a party-opponent of the defendant in criminal
6 cases.” *United States v. Kattar*, 840 F.2d 118, 130-31 (1st Cir. 1988) (quoting *United*
7 *States v. Morgan*, 581 F.2d 933, 937 n.10 (D.C. Cir. 1978)).

8 Whether the Government made these statements before charging Ms. Palm is
9 immaterial. The Court will remain consistent with other federal forums in finding that the
10 statements in question are admissions by a party opponent subject to the hearsay exception.

11 **B. Concerns Regarding Relevance and Unfair Prejudice**

12 The Court next addresses the Government’s primary concern that the statements are
13 not relevant and, if admitted, would both confuse the jury and be unfairly prejudicial.
14 Evidence is relevant if: “(a) it has any tendency to make the existence of any fact that is of
15 consequence to the determination of the action more probable or less probable than it would
16 be without the evidence; and (b) the fact is of consequence in determining the action.” Fed.
17 R. Evid. 401(a-b). Overriding any admissibility concern is Federal Rule of Evidence 403,
18 which provides that if the probative value of evidence is substantially outweighed by the
19 dangers of “unfair prejudice, confusing the issues, misleading the jury, undue delay,
20 wasting time, or needlessly presenting cumulative evidence,” then this evidence might be
21 excluded. Fed. R. Evid. 403.

22 The Court finds Ms. Palm’s citation to a case heard in another forum within this
23 Circuit instructive on the matter. In that case, which involved bank fraud, the Government
24 claimed the crimes were part of a conspiracy with another defendant. The defendant in
25 question sought to introduce a statement made during the closing arguments in the co-
26 defendant’s trial that the defendant “was a young man who is being used by the [co-
27 defendant].” *United States v. Bakshinian*, 65 F. Supp. 2d 1104, 1105 (C.D. Cal. 1999).
28 The statement was ruled admissible, and this Court agrees with Ms. Palm that the idea of

1 “being used by” a co-defendant “is nearly a mirror image to the statements by the
2 government here, that Ms. Palm was ‘controlled by’ or ‘pimped out’ by Mr. Washington.”
3 Dkt. # 132 at 3-4.

4 Both cases thus present theories of victimization, which is critical and thus directly
5 relevant to the elements of Conspiracy to Commit Sex Trafficking by Force, Fraud, or
6 Coercion, as this offense requires the Government to prove that Ms. Palm acted willfully.
7 The evidence is relevant, as a jury could reasonably conclude that Ms. Palm, who was
8 categorized as a “victim of” and being “controlled by” Mr. Washington, did not act
9 willfully in committing the charged offense. For that same reason, the evidence survives
10 any Rule 403 concerns, buttressed by the Court’s ruling below that the rule of completeness
11 applies in this context.

12 **C. Rule of Completeness**

13 The Government posits that should the Court admit the statements describing Ms.
14 Palm as a victim, it should also admit statements describing her as a perpetrator of sex
15 trafficking under the rule of completeness. The Court agrees. Where a party “introduces
16 all or part of a statement, an adverse party may require the introduction, at that time, of any
17 other part—or any other statement—that in fairness ought to be considered at the same
18 time.” Fed. R. Evid. 106. “The adverse party may do so over a hearsay objection.” *Id.*

19 The Court finds that preventing the admission of the Government’s statements
20 describing Ms. Palm as a co-conspirator would contravene principles of judicial fairness
21 and equity. Ms. Palm raises a concern in her Reply that the Government would abuse this
22 privilege by introducing other statements, whether they be writings or recordings, beyond
23 that from which the portion of the particular statement was drawn. Dkt. # 132 at 7. The
24 Government’s Response should assuage Ms. Palm of such a concern, because it seeks to
25 introduce statements from the exact same pleadings Ms. Palm desires to be admitted. Dkt.
26 # 121 at 9-11. Given that the statements in pages 9-11 of the Government’s Response
27 derive from the same pleading, they are admissible under the rule of completeness, because

1 they provide context and a complete representation of the record. However, the Court
2 instructs the Government to proffer any statements it seeks to introduce not already
3 identified in its Response to Ms. Palm's Motion so it can determine if they are admissible.

4 **V. CONCLUSION**

5 Based on the foregoing reasons, the Court **GRANTS** Defendant Maria Georgianna
6 Palm's Motion *in Limine* to Admit Statements of a Party Opponent. Dkt. # 105. The Court
7 further **ORDERS** that the statements identified in pages 9-11 of the Government's
8 Response shall also be admissible. The Government is **INSTRUCTED** to proffer any
9 statements it seeks to introduce beyond those already identified.

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11 DATED this 30th day of January, 2025.

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14 The Honorable Richard A. Jones
15 United States District Judge
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